

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Hearing Date: July 29, 2019
10:00 am

In re: X

Phyllis R. Mials,

Case No. 16-11337 (SHL)
Chapter 7 Case

Debtor.

X

**ORDER GRANTING TRUSTEE’S MOTION, PURSUANT TO FEDERAL
RULES OF BANKRUPTCY PROCEDURE 9019 FOR APPROVAL OF
SETTLEMENT OF PERSONAL INJURY LAWSUITS, AND
AUTHORIZATION OF FEES AND EXPENSES OF SPECIAL COUNSEL,
AND PAYMENT OF THE EXEMPT AMOUNT TO THE DEBTOR, AND
SETTING BAR DATE
FOR FILING OF LIEN CLAIMS AGAINST THE SETTLEMENT PROCEEDS.**

Angela Tese-Milner, Chapter 7 Trustee (“Trustee”), in the bankruptcy case of Phyllis R. Mials (“Debtor”), having submitted an application for an order to approve 1) the settlement (hereinafter “**Settlement**”) of two personal injury Lawsuits (**hereinafter “Lawsuits”**) for injuries sustained by the Debtor in two separate auto accidents. and 2) authorization to pay the fees in the amount of \$63,666.83, and expenses in the amount of \$8,999.51 submitted by Trustee’s Special Personal Injury Counsel, The Law Offices of Jason B. Kessler, P.C., and to pay the liens in the amounts of \$2,015.39 and \$3,811.43 of Medical Alliance, and 3) authorization to pay to the Debtor and the exempt amount \$36,775.00, setting a bar date of 8/29/2019 for the filing of lien claims against the Settlement Proceeds, and no objection having been filed, and notice having been given to all interested parties, and the relief requested appearing reasonable, now therefore, it is:

ORDERED that the Settlement of the Lawsuit for the amount of \$200,000.00 be and it hereby is approved, and Defendants, and Trustee’s Special Personal Injury Counsel be and he hereby is directed and authorized to remit the entire amount of the Settlement

Proceeds within 21 days of the entry of an order herein to the Trustee by corporate or IOLA check made payable to Angela Tese-Milner, as Trustee; and it is further

ORDERED that upon the clearance of the Settlement funds from her fiduciary account the Trustee is authorized to pay:

1. The liens in the in the amounts of \$2,015.39 and \$3,811.4 to Medical Alliance; and
2. The exempt amount of \$36,775.00, to the Debtor; and it is further

ORDERED that any entity filing asserting a secured claim against the Settlement Proceeds shall file a proof of claim with the United States Bankruptcy Court on or before 8/29/2019 or be estopped from asserting a lien against the Settlement Proceeds, and that the Trustee shall mail a this order to the Medical Alliance, and the Railroad Retirement Board, Attn: George Krause, Claims Adjuster, 844 North Rush Street, Chicago, Ill. 60611-2012 within five days of the entry of the order herein;

ORDERED that the Trustee is authorized to execute documents as may be necessary in connection with the settlement; and it is further

ORDERED that the Fee Application be and it hereby is approved and granted in the amounts set forth in Fee Schedules A and B, annexed hereto.

ORDERED that the Court shall retain jurisdiction over any controversy in connection with this order.

Dated: New York, New York
July , 2019

United States Bankruptcy Judge,
Honorable Sean H, Lane

